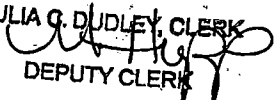


In the United States District Court  
For the Western District of Virginia

~~Roanoke~~ Division  
Danville

JUL 17 2017

JULIA G. DUDLEY, CLERK  
BY:  DEPUTY CLERK

Brian David Hill  
Plaintiff(s)

v.

Executive Office for United States Attorneys  
(EOUSA)  
&  
United States Department of Justice (U.S. DOJ)  
Defendant(s)

Civil Action No. 4:17-cv-00027  
ATTN: Hon. Magistrate Judge  
Robert S. Ballou  
CC: Hon. Judge Jackson L. Kiser

**PLAINTIFF'S OBJECTIONS TO DEFENDANTS' "UNITED STATES'  
MOTION TO QUASH DISCOVERY REQUESTS, OR IN THE  
ALTERNATIVE, TO STAY DISCOVERY" RE: DOC. # 28**

**OBJECTIONS AND BRIEF IN SUPPORT OF THIS OBJECTION**

NOW COMES, the plaintiff ("Brian D. Hill"), representing himself, and hereby respectfully files an objections to Defendants' Motion under Document #28, titled the "UNITED STATES' MOTION TO QUASH DISCOVERY REQUESTS, OR IN THE ALTERNATIVE, TO STAY DISCOVERY". The Plaintiff also respectfully moves the Court to deny Defendants' MOTION under Doc. #28, or in the alternative, to address the issue at the pretrial status conference that was requested by Plaintiff pursuant to Document #27 and all evidence attached thereto, a written motion/request to the Honorable U.S. Magistrate Judge Robert S. Ballou, that a status conference hearing be

scheduled by the Hon. Mag. Judge Ballou to help determine the discovery matters set forth before the Court.

The Plaintiff respectfully requests that the Government's Motion under Document #28, should not yet be decided until a hearing is scheduled to determine the matter as set forth in the Judge's pretrial order (See Doc. #11), which stated that *"(2) Parties shall submit a status report in the form of a letter, setting forth any pretrial matters which need to be taken up with the Court no later than 60 days prior to trial. A pretrial conference will be scheduled at the request of any party."* The Plaintiff had requested a status conference in the Motion that was deposited at the United States Postal office around January 10, 2017, (See Document 27, page 21, "CERTIFICATE OF SERVICE") and was filed by the Clerk on **January 11, 2017**. Therefore since the written motion requesting a pretrial status conference (pursuant to the Judge's pretrial order) was properly filed the day before before the Defendant's Motion by the U.S. Attorney aka the Government, Plaintiff asks that the Defendants' Motion should be decided at the requested status conference. That the Plaintiff be allowed to submit further evidence at the status conference proceeding, since according to Rule 5(d)(1) of the Fed. Rules of Civ. Procedure it stated that the Plaintiff cannot file written discovery requests and any responses until they are used in the proceeding, thus the Court does not know of what was in the discovery letter and in Plaintiff's mailed interrogatories pursuant to Rule 33 of the Fed. Rules of Civ. Procedure. Rule 5(d)(1) of the Fed. Rules of Civ. Procedure stated in part that *"But disclosures under Rule 26(a)(1) or (2) and the following discovery requests and*

responses must not be filed until they are used in the proceeding or the court orders filing: depositions, interrogatories, requests for documents or tangible things or to permit entry onto land, and requests for admission.”

The Plaintiff thinks that the Defendants’ Motion should not be decided by any Judge as of yet until the Honorable U.S. Magistrate Judge Robert S. Ballou (“Hon. Mag. Judge Ballou”) determines the matter at the status conference proceeding where the Plaintiff can give a copy of all discovery discussion matters such as the (1) Mailed interrogatories that the Defendants’ Attorney received on June 21, 2017, including a copy of the certified mail receipt and/or return receipt, (2) Mailed discovery request letter that Defendants’ Attorney received on June 12, 2017, including a copy of the certified mail receipt and/or return receipt, (3) The Warning FAX letter to the Defendants’ Attorney dated June 22, 2017, including a copy of the Transmission Ticket that was produced by VentaFax software, and (4) The Defendants’ Attorney’s response to the “Warning Letter,” which was dated around June 23, 2017 and was received on June 26, 2017 (as filed on PDF file the date of its receipt). The Plaintiff also agrees to file a photocopy of the return receipts and certified mail receipts proving that receipt of both discovery requests, and will give a copy to the U.S. Attorney at the proceeding.

The Plaintiff has further evidence that he would like to present in front of Hon. Mag. Judge Ballou before deciding the Defendants’ Motion. The Plaintiff would like to play an Audio CD which will contain the three (“3”) voicemails that he had left with the U.S. Attorney’s Office for the Middle District of North Carolina, ATTN: Cheryl Sloan. That

Plaintiff would also like to present three printed photographs of the leaked SBI document photos as well as the full page from archive.org that was saved by Plaintiff's family, aka the full disclosure of the limited evidence that were exhibited under Exhibit 5 of the original Complaint under Document #2 (See Doc. # 2-5). The Plaintiff respectfully asks that the Clerk file the three evidence photographs in color if possible under the Court's CM/ECF filing system.

In support of this request, Plaintiff establishes the facts, relevant case law, and elements in this OBJECTIONS to state as follows:

#### **I. Plaintiff's Objections**

1. Plaintiff objects to all paragraphs in both Document #28, and Document #29 titled the "UNITED STATES' MEMORANDUM IN SUPPORT OF ITS MOTION TO QUASH DISCOVERY REQUESTS, OR IN THE ALTERNATIVE, TO STAY DISCOVERY". The objections are based upon a continual pattern of evidence of a showing an act of **bad faith** on the Government's part. Not just the evidence showing a bad faith, but the Plaintiff's right as a criminal Defendant to the discovery evidence pertinent to his right and/or privilege to file a 2255 Motion for collateral attack based upon the ground of actual innocence based upon evidence of factual innocence or even based on newly discovered evidence that could not have been exercised under due diligence. Denial of Plaintiff's discovery rights further damages

and aggravates the due process violations and deprivation suffered by the Plaintiff in his criminal case. The Plaintiff has filed a Declaration/Affidavit of his innocence, which contradicts his guilty plea on June 10, 2014, as noted in the criminal case Docket sheet under Document #27-2. If the Plaintiff is not allowed any legal means to prove his actual innocence and good faith basis as to why he should have his criminal conviction overturned, he will further suffer lack of due process, deteriorating health, risk of suicidal thoughts (See Document #12-2, two pages), and lack of effective assistance of Counsel. The Plaintiff will continue unjustly suffering on the Virginia Sex Offender Registry (pursuant to SORNA) and suffer unjust state and federal sex offender restrictions for a guilty plea that he was forced into under unreasonable circumstances. **This isn't just a lawsuit filed under the FOIA, in the original COMPLAINT under Doc. #2 (Page 3 of 21), the Plaintiff submitted under the "II. Basis for Jurisdiction" under paragraph (A.) that "*Freedom of Information Act ("FOIA"), 5 U.S.C. §552, Right to discovery packet of evidence under the 14th Amendment of the U.S. Constitution, Due Process clause (citing *Brady v. Maryland*, 373 U.S. 83(1963))*".** The Plaintiff had been entirely deprived of due process by the Government and the U.S. Marshals, the County Detention Centers, and even the Federal Public Defender Office, all within the Middle District of North

Carolina. The Plaintiff being deprived of his right to criminal case discovery, falsely pleading guilty under Oath while his lawyer never showed him the entire discovery packet of evidence, the child pornography download dates at issue that may be suspicion onto the North Carolina State Bureau of Investigation and Mayodan Police Department for child pornography downloading which may be connected to the two tormail.org emails that were sent between March and April 2013, Plaintiff's false criminal confession that was around August 29, 2012, and the Affidavit conflicting with Plaintiff's guilty plea. With all of these different issues that has been submitted to the Court, it is obvious that the Plaintiff should be allowed access to his criminal case discovery packet of evidence to amount a successful collateral attack under a section 2255 Motion on the only available ground of Actual Innocence or even a second around based upon any newly discovered evidence that could not have been exercised upon due diligence.

2. According to a printout of the U.S. Attorney's manual for the EOUSA under Title 3, citing Exhibit 1 in attachment to this OBJECTIONS, it makes a statement that contradicts what the Defendants' Attorney Cheryl Sloan is attempting to do in her Motion (See Doc. #28) and Brief (See Doc. #29). The Attorney for the Defendants' wants to oppress the Plaintiff permanently and prevent him from ever being able

to get access to the very discovery evidence that he was originally entitled to in his criminal case USA v. Brian David Hill (See Doc. #27-2).

**II. Case Law in Support of Plaintiff's Objections  
And in Support of Plaintiff's right to discovery**

3. See, e.g., *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978) (holding that “discovery itself is designed to help define and clarify the issues”); *United States v. Proctor & Gamble Co.*, 356 U.S. 677, 682 (1958) (declaring that the “instruments of discovery serve a useful purpose. . . . They together with pretrial procedures make a trial less a game of blindman's buff and more a fair contest with the basic issues and facts disclosed to the fullest practicable extent”); *Hickman v. Taylor*, 329 U.S. 495, 500-01 (1947) (noting that “[t]he pre-trial deposition-discovery mechanism established by Rules 26 to 37 is one of the most significant innovations of the Federal Rules of Civil Procedure. . . . [C]ivil trials in the federal courts no longer need be carried on in the dark”). 2 Fed. R. Civ. P. 1. 3 See Fed. R. Civ. P. 26. 4 See Fed. R. Civ. P. 34.
4. (Disclaimer: Links given to me by my family researching case law and various legal information to help support my discovery rights under due process clause. Family gave these links to me in a Microsoft Word .docx file)

[http://www.law.georgetown.edu/cle/materials/eDiscoveryforFedPractitioners/CourseMaterials/foiaediscovery/TheFreedomofInformationAct\(FOIA\)andDiscovery.pdf](http://www.law.georgetown.edu/cle/materials/eDiscoveryforFedPractitioners/CourseMaterials/foiaediscovery/TheFreedomofInformationAct(FOIA)andDiscovery.pdf) ;

<http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2545&context=mlr> ;

[http://www.lawandfreedom.com/site/litigation/GATA/Motion\\_ICR\\_and\\_LD.pdf](http://www.lawandfreedom.com/site/litigation/GATA/Motion_ICR_and_LD.pdf) ;

<https://www.justice.gov/archive/oip/courtdecisions/discovery.html> -

<http://www.foiaadvisor.com/court-opinions/>

5. Feb. 28, 2017: *Walston v. DOD* (D.D.C.) -- concluding that: (1) the Defense Information Systems Agency (DISA) failed to perform an adequate search for records concerning plaintiff's complaint to DISA's Inspector General; (2) DISA properly withheld one record pursuant to attorney-client privilege; and (3) DISA properly redacted identifying information of agency investigators pursuant to Exemption 6.
6. Feb. 16, 2017: *Pulliam v. EPA* (D.D.C.) -- determining that: (1) EPA, DOJ, and DOD failed to perform adequate searches for records related to an investigation into toxic contamination occurring at former Army base; (2) DOD properly invoked Exemption 6 to redact names, email addresses, and phone numbers of junior personnel.



7. Feb. 15, 2017: Rodriguez v. DOD (D.D.C) -- concluding that agency unreasonably limited scope of search and failed to demonstrate that search was reasonably calculated to uncover all responsive records
8. Feb. 1, 2017: Bettwieser v. Gans (D. Idaho) -- declining to dismiss plaintiff's suit against United States Postal Service even though agency averred that it never received request.
9. Jan. 30, 2017: James Madison Project v. Dep't of State (D.D.C.) -- holding that: (1) agency failed to perform adequate searches for records relating to Hillary Clinton's private attorney; and (2) agency properly relied on Exemption 7(C) to withhold identity of agency's information security chief.
10. Inclusive Cmtys. Project, Inc. v. HUD (N.D. Tex.) -- finding that prevailing plaintiff could recover attorney fees for time spent to review records to determine whether agency's response was fully responsive to its request.
11. Jan. 23, 2017: W. Arms, Inc. v. United States (W.D. Wash.) -- deciding that the Bureau of Alcohol, Tobacco, Firearms, and Explosives: (1) violated FOIA by failing to produce records for 20 months; (2) performed a reasonable search for response records; (3) properly withheld certain firearms records pursuant to Exemption 3 (Consolidated Appropriations Acts, 2005-2012) and Exemption 5

(deliberative process privilege). The court further found that plaintiff was eligible for attorney fees and costs as the prevailing party.

12. Jan. 20, 2017: Hetznecker v. Nat'l Sec. Agency (E.D. Pa.) -- in case concerning "Occupy Philly" movement, denying government's motion to reconsider court order requiring agencies to submit documents for in camera review.
13. Huntington v. U.S. Dep't of Commerce (D.D.C.) -- concluding that the U.S. Patent & Trade Office failed to conduct a reasonable search for records concerning confidential program, and that USPTO properly withheld records pursuant to Exemption 5 (deliberative process privilege).
14. Am. Civil Liberties Union ("ACLU") v. Dep't of Def. (S.D.N.Y.) -- finding that: (1) government failed to provide sufficient information to permit court to determine whether photographs of Abu Ghraib detainees were protected by Exemption 3 ( Protected National Security Documents Act); and (2) Exemption 7(F) did not protect photographs from disclosure because government provided a "vague and unlimited" description as to who was endangered.
15. Jan. 13, 2017: Wisdom v. U.S. Trustee Program (D.D.C.) -- determining that Executive Office for U.S. Trustees: (1) failed to show it had viable exhaustion defense to any of plaintiff's claims; (2) failed to establish that it conducted adequate searches in all locations likely to

contain responsive documents; (3) failed to demonstrate that it properly withheld records pursuant to the deliberative process and attorney-client privileges; (4) properly relied on Exemption 6 to withhold personal identifying information of third parties and all but one employee performance evaluation; and (5) failed to prove that information withheld under Exemption 7(E) met law enforcement threshold.

### **III. Factual Basis**

**16. The Plaintiff believes that there may be enough evidence to establish that the U.S. Attorney Office of Greensboro, NC, and the Defendants' through their Attorney has acted in bad faith throughout the FOIA request, FOIA Appeal process, and FOIA litigation, depending on how much evidence the Court requires to establish the factual elements of bad faith. The Plaintiff shall start demonstrating why the Defendants' have engaged in bad faith and why their Motion to quash should be denied and should fail.**

17. The U.S. Attorney Office ("USAO") for Greensboro, NC, just as any other U.S. Attorney Office ("USAO") has a sole objective to represent only the best interests of the United States. When they file criminal charges, the money spent, the amount of time, the manpower, and any other resources are usually used to criminally indict somebody. If a

particular person being prosecuted by the USAO turns out to be innocent of the federal crime that was charged, then this is not only embarrassing to the USAO, not only is harmful to the credibility and integrity of the USAO, but also allows the wrongfully convicted to file lawsuits in federal and/or state court for the amount of damages, loss of civil rights incl. Constitutional rights, loss of privileges, loss of privacy, and other wrongful repercussions as a result of a wrongful conviction in criminal court whether by plea agreement or guilty verdict at trial. The U.S. Attorney makes money off of wrongfully convicting people. It also looks good on a private Attorney's record in the private practice for somebody that used to be a federal and/or state prosecutor when they win super-majority of criminal and civil cases. Loses in court makes an Attorney look weak to other Attorneys, and can lower their prospects of continually making good amounts of money in litigation whether it is representing a case plaintiff(s) or defendant(s). They don't care if an innocent man or women becomes a registered sex offender. They don't care if innocent people are put to death after being sentenced to being placed on death-row. They don't care how many people that they hurt to look good for the private practice. Now there are good moral Attorneys but normally the U.S. Department of Justice is there to make sure that every single person that is ever criminally charged gets convicted, always, however in some or rare cases they

may actually acquit somebody that they tried and convicted, and that the U.S. Attorneys sue people for the Government. From a financial and political standpoint, as well as a career and legal perspective, a lawyer working for the Government usually will always be biased for the Government and will protect anybody in the Government, even if the actions are wrong and may be potentially criminal. There may be patriots inside of the United States Government and those that leak documents, information, and other type of tangible evidence to places like for example Wikileaks, but they are usually hunted down by Government Agents and prosecuted for leaking information and/or evidence or copies thereof. So normally the U.S. Attorneys have to be psychopaths and/or sociopaths, they have to turn a blind eye to injustices unless it makes the United States Government look good or can secure them another victorious case that they file and win. To keep their jobs, they have to continually and systematically indict and convict as many as they can. Since U.S. Attorneys are never elected but are selected by somebody inside of the Government, it is easy for U.S. Attorneys to be appointed for political gain, for a political purpose, and may not be in the best interests of the hard working and law abiding and tax paying American citizens, but be in only the best interests of the Government, protecting the Government, and covering up for the Government.

18. The first issue of bad faith. As completely argued in Document #27 and all attached Exhibits, aka the MOTION requesting a pretrial status conference, which seems to have Cheryl Sloan panicked enough to file the "Motion to quash", evidence has been revealed in Doc. #27-1 and #27-2, that Defendant Executive Office for U.S. Attorneys ("EOUSA") and the Office of Information Policy ("OIP") of Defendant U.S. Department of Justice ("U.S. DOJ"), had both engaged in either an error or deceptive nature. That was by claiming that the Plaintiff at the time of receiving the FOIA response, was considered an inmate in a federal correctional institution, so access to the Pre-sentence Investigation Report ("PSR" or "PSI") was "granted in accordance with the enunciated policy of the Bureau of Prisons." However the truth was that the Plaintiff was released from incarceration on November 12, 2014, and was placed on federal Supervised Release under the U.S. Probation Office for the Western District of Virginia. The Plaintiff was not in prison and not inside a correctional institution at the time that the Plaintiff had filed the FOIA Requests via FAX transmission with the Executive Office for United States Attorneys. The only time the truth of the Plaintiff was ever revealed by the EOUSA was in statements made to the Office of Government Information Services ("OGIS") (citing testimony of Nikki Gramian) that the PSR cannot be given to the Plaintiff because it was a sealed court record. The Plaintiff doesn't

have to use FOIA to get the PSR because (1) he can ask his Probation Officer for a copy of his PSR, (2) and he can send a written letter to the Clerk of the Court asking for a certified copy of his sealed PSR under Document #33 since he is a party of that case. If Plaintiff had not asked the OGIS to help conduct mediation services, then the untruthful statement by Defendant EOUSA and the U.S. Attorney Office would have remained without question. OGIS helped to shine a light on the untruthful statement made by Defendant EOUSA. That's the first issue of bad faith by the United States.

19. The second issue of bad faith, is the fact that they have no valid excuse, they still have presented no valid explanation as to why Defendant EOUSA had released (1) 19-pages of the 20-page Mayodan Police Report, (2) releasing the Inventory list of seized property items but not release the Search Warrant that pertains to its authority to seize the items to which can even be listed in a police inventory, (3) releasing the Mayodan Police photographs of the residence of 413 N. 2<sup>nd</sup> Avenue in Mayodan, NC 27027, (4) the missing North Carolina State Bureau of Investigation ("N.C. SBI") Case File on Brian David Hill that was written by Special Agent Rodney V. White, (5) and the missing (false) confession audio CD disc of Brian David Hill from August 29, 2012, from Mayodan Police Department. So the U.S. Attorney Office of Greensboro, NC clearly did release law enforcement records including

photographs and the seized items inventory by Mayodan Police Department but they did not release the SBI Case File and the (false) Confession Audio. Why did the Defendant EOUSA's FOIA Office not state as to whether the other records that should indeed exist were withheld in full or in part? Why did the SBI Case File not exist when it clearly does exist according to both Document #2-5 (Exhibit 5, of the original COMPLAINT) and **Exhibit 3** (*Leaked N.C. SBI document photographs clearly identify a "certificate of delivery" to an "AUSA A. (or P.) Ramaswamy" whom was the Assistant United States Attorney which be confirmed by criminal case Docket sheet on Document #27-2, Page 3 of 14*) which was leaked by somebody claiming to have been working for the Anonymous hacktivist group? They (collectively) are known in the media for hacking into Federal Government servers, data, and websites on the internet and leaking it to the general public over the internet, especially to places like Wikileaks for example. 'Anonymous' aka the infamous hacktivist group (*hacking type of activists, they hack into Government and/or corporate computers and/or websites under the brand of their own vigilante style of activism, no offense to Anonymous so please don't target me for how I described your group*) has been around for a long time and is NOT known to defend pedophiles. They are not the type of public activism type computer hacking group to defend those kind of criminal



behaviors. Normally they would hack and expose corrupt and/or criminal type behavior in the Federal Government if Anonymous feels that those secrets need to be leaked to the public. So for somebody working (or volunteering) for Anonymous to defend the Plaintiff's character before this FOIA civil case by leaking photographs of a SBI Case File that Defendant EOUSA claims doesn't exist at the time the FOIA request was responded to according to witness Nikki Gramian of the OGIS (See Document #27-1). It is bazaar but doesn't change the fact that normally a computer hacker or an anonymous Whistleblower that gets triggered by hearing any rumor or has intimate knowledge of a potential or attempted cover up, would usually leak classified, confidential, and those records that are usually prohibited from public consumption, leaking any of those documents or any information about those documents to the internet and/or to the media and/or to Wikileaks when there is a fear of a criminal/unlawful cover up of a particular government record. Anonymous seems to have acted when leaking parts (aka bits and pieces) of the entire SBI case File, as a protective/survival measure against a corrupt government employee that may be committing a serious criminal or unethical act decides to remove any history and evidence of such activities without a reasonable and valid explanation. This is bad faith on the Government's part.

20. The third issue of bad faith, is that the Plaintiff reported the issues concerning the FOIA response, to the Office of Information Policy (“OIP”) and the Office of the Inspector General (“OIG”). Document #14-1, as well as the Document #24 (the FOIA Appeal correspondence logs), reveals that clear and convincing information and evidence was submitted to not only the OIP but also the OIG and Office of Professional Responsibility (“OPR”). In that letter the OIG does not seem to be taking an interest in sanctioning any investigations against the U.S. Attorney Office of Greensboro, NC, for allegations that they may or may not have covered up records that can help to exonerate Brian David Hill and acquit him of possession of child pornography type charge. Lack of investigation and even refusal to investigate serious criminal allegations is **dereliction of duty**, may be a felony itself to allow a felony to be committed in a federal agency and at a Federal office when having knowledge of such felony (**obstruction of justice by possibly removing or covering up records unlawfully, perjury, and/or subornation of perjury**). Plaintiff has testified under Oath in an Audio CD attached to this OBJECTIONS, known as **Exhibit 8. Exhibit 8** and testimony from the Plaintiff reveals that the U.S. Attorney Office for Greensboro, NC, corruptly allowed one of their witnesses Kristy L. Burton (“Ms. Burton”) to lie on the stand and lie to the extent where Edward Cameron submitted her lie in a federal

Arrest Warrant on court record at the Supervised Release Revocation ("SRV") hearing on June 30, 2015. Kristy L. Burton is the United States Probation Officer for the Western District of Virginia, Danville, Division, and Edward Cameron is the U.S. Probation Office for the Middle District of North Carolina, Greensboro Division. For Edward Cameron to file a lie of Ms. Burton's under Oath or affirmation to have a warrant for my arrest two years ago, and then she lied on the stand in open court and got away with it. The U.S. Attorney even somehow persuaded the Honorable Judge Thomas D. Schroder to threaten me to shut up and not file anything more on record, and the FBI also allowed Kristy Burton to get away with perjury, Edward Cameron for subornation of perjury, and the U.S. Attorney for obstruction of justice for allowing his witness to openly lie on the stand and persuading the Federal Judge to silence the Plaintiff so that he cannot speak out against Ms. Burton for lying on the stand, and the FBI did nothing about it. So if the U.S. Attorney Office of Greensboro can get away with committing felonies and persuade a Judge to go along with it, then they can commit as many felonies as they want, as they please, at the expense of innocent men and women. A federal law enforcement agency does not need to openly commit multitudes of felonies and get away with it. Those that are charged with obeying the law, sworn to enforce the law, can now openly break the law without consequences

and the victims and witnesses may receive the official threats from the Government and/or the Court in their jurisdiction to which they control. Even the fact they the U.S. Attorney Office of Greensboro, were an accessory after the fact to perjury, accessory after the fact for subornation of perjury, and are themselves perpetrators of obstructions of justice, which of course are all FELONIES. If convicted on just one felony then the convict cannot hold a position of public office unless acquitted or pardoned by the President of the United States ("POTUS"). For the Plaintiff to have certain concerns simply because he wants the truth to be uncovered, he wants a fair trial and being able to prove that he was framed with child porn and that the criminal intent was to officially oppress the Plaintiff and his 1<sup>st</sup> Amendment right to both his Constitutional rights to freedom of speech and freedom of the press. The fact that the Plaintiff reports everything possibly corrupt or technically illegal to the proper authorities and they refused to do anything about it, refuse to talk to credible witnesses, and only want to protect or even just allow a possibly unethical or even criminal type of behavior to continually go on in a government office and/or agency. The FBI has never even attempted to question the Plaintiff or ask for more evidence. The official narrative aka the official story that Brian is labeled as a "pedophile" that was into downloading and possessing child pornography and must suffer punishment under the Adam Walsh

Act. The U.S. Attorney, the U.S. DOJ., the N.C. SBI, the Town of Mayodan, and the EOUSA all seem to be okay with keeping the official story and doing everything they can to enforce its automatic verdict. Here is some photographs that the Court needs to review as to whether Brian D. Hill of USWGO Alternative News, is somebody that was involved in dangerous anti-corruption politics or was just simply yet another run-of-the-mill child pornography downloading pedophiles that are usually the ones getting caught up in Internet Crimes Against Children ("ICAC") sanctioned undercover child porn sting operations or if the official story sounds a little fishy which warrants further investigation into the matter upon simply looking at the photographs exhibited to this OBJECTIONS. Exhibit 4, shows a photograph of the Plaintiff, of Alex Jones the infamous yet controversial alternative media activist under Infowars.com that hosts the Alex Jones Show on GCN radio network, and of Stewart Rhodes the Constitutional lawyer and founder of Oath Keepers organization. If the Court doesn't think Plaintiff having his photo taken with those people is enough to prove how important of a member of the alternative media that Plaintiff was once involved with, then look at Exhibit 5. Exhibit 5 depicts the Plaintiff with a former United States Congressman of the Commonwealth of Virginia, named Virgil H. Goode. He has attempted to run for the seat of United States President, as a third party candidate

under the Constitution Party at the time that the photograph was taken. Virgil Goode was well respected by the Virginian people. Plaintiff even interviewed Virgil Goode on May 26, 2012 at a Rotary club event in Virginia, as apart of his freedom of press at USWGO Alternative News. If the Court still does not consider the importance of this man, Brian D. Hill, then look at the next exhibit. **Exhibit 6** depicts the Plaintiff with a news reporter from WXII12 news with a video-camera guy also shown in that particular photograph. Apparently they had interviewed him in regards to the federal civil copyright case known as Righthaven, LLC v. Brian D. Hill, in the Colorado U.S. District Court. That was in front of the Hon. Judge John Kane. Then of course **Exhibit 7** depicts the Plaintiff and somebody from another media outlet from Washington, DC titled as the American Free Press (once known as **The Spotlight** from Washington, DC). His name was James P. Tucker Jr. and also known to the conspiracy-community as 'Jim Tucker'. Jim Tucker had been present in a documentary by Alex Jones titled "Endgame: Blueprint for Global Enslavement". The photograph was taken at a place in Fredericksburg, VA. The U.S. Attorney Office could have clearly conducted a more thorough investigation into Brian David Hill before charging him or they could have simply given him pretrial diversion so that the U.S. Attorney gets what they want and Brian doesn't have to register as a sex offender since he wouldn't be fully

adjudicated as guilty. The U.S. Attorney Office could have simply asked Brian questions and get all of the evidence sorted through, get the facts straight, and see if the case could really lead to a just and reliable criminal conviction that ensures that Brian would be found guilty beyond “a” reasonable doubt in a court of law. They didn’t want to investigate, the OIG kept their mouth shut and acted as though everything were fine. Same with the Federal Bureau of Investigation (“FBI”). The OIP didn’t want to rock the boat. So the fact that the Plaintiff made reasonable efforts to report his findings and evidence to the OIG and they just simply ignored all evidence and let the U.S. Attorney of Greensboro get away with whatever wrongs they had committed, whatever possibly illegal activities or accessories thereof to criminal behavior. It all proves that the U.S. Department of Justice is taking no interest in resolving the issues of Plaintiff’s false confession statements and the questionable eMule child pornography download date claims from Special Agent Rodney White’s report. The lack of investigation and refusal to investigate anything that the Plaintiff honestly believes may be going on, is bad faith on the Government’s part. They don’t want to find out the truth, aka the “Justice” Department that claims to be a federal agency of pursuing justice is not even investigating the corrupt and possibly criminal activities going on within their own agency and components.

21. The fourth issue of bad faith, is that Cheryl T. Sloan of the U.S.

Attorney Office for Greensboro, NC denied all knowledge (See Doc. #9) of the allegations set forth in Plaintiff's COMPLAINT. They said in their ANSWERS to the COMPLAINT (See Doc. #2) that

*"Defendants deny knowledge or information sufficient to form a response to each and every allegation made in paragraph 4 that relates to plaintiff's characterization of his physical and mental condition.*

*To the extent an answer is deemed required, defendants deny the allegations in paragraph 4."* The Plaintiff has evidence from anywhere

between the Court transcripts to the entire criminal case (See Doc. #27-

2) records, that the U.S. Attorney Office of Greensboro that prosecuted

the criminal case was fully and well aware of Plaintiff's mental and

physical health conditions. Document #108(CR) from the criminal case

docket sheet (See Doc. #27-2), Document #112 of his criminal case

docket sheet, Document #111 of his criminal case docket sheet,

Document #97 of his criminal case docket sheet, and Document #23 of

his criminal case docket sheet detailing a psychiatrist report by Dr.

Keith Hersh all prove beyond a shadow of doubt that the Defendants'

Attorney and the staff of the U.S. Attorney Office in the Middle

District of North Carolina was fully aware of the Plaintiff's physical

and mental condition prior to the filing of this lawsuit. The denial of all

allegations and denial of knowledge of such allegations may also prove



that the Defendants' rather lie or deny the truth, the facts, and do not want to believe in the evidence that hurts their criminal conviction's credibility. So it appears that the Defendants' answers are as phony as the false claim that the Plaintiff was a federal inmate at a "federal correctional institution" type of claim in the FOIA response letter. In reality Plaintiff is serving Federal Supervised Release by the United States Probation Office. The Plaintiff wasn't even at the Federal Correctional Institution (FCI-1) at Butner, NC, after his mental evaluation study was officially over and Plaintiff had been transferred to Orange County Detention Center. The Pre-Sentence Investigation Report ("PSR") wasn't even created until after his guilty plea while sitting in County Detention Centers. After the sentencing hearing the Plaintiff was released under a prison sentence of time already served which is also confirmable in the written Judgment by the Hon. Chief Judge William Lindsey Osteen Junior in the Middle District of North Carolina. Therefore the Plaintiff was lied about or there had been serious false information that had not been corrected to the Plaintiff but corrected with the real claim to the OGIS mediation staff.

The Plaintiff has established clear and convincing evidence as well as reasons why the Government's MOTION under Document #28, and Document #29 brief/memorandum

should either be denied, or in the alternative, be referred to and decided in front of the Honorable U.S. Magistrate Judge Robert S. Ballou.

Even in the Hon. U.S. District Court Judge Jackson Kiser's Pretrial Order under Doc. #11, again it had stated that "*All pretrial discovery motions and issues are hereby referred to Magistrate Judge Robert S. Ballou for cases filed in the Danville, Lynchburg and Roanoke divisions*".

Even under the Hon. Judge Kiser's denied of Document #25, he stated under case law that "*Moreover, discovery is typically limited in FOIA cases absent a showing that the government has acted in bad faith. See *Justice v. I.R.S.*, 798 F. Supp. 2d 43, 47 (D.D.C.2011).*" That means if the Plaintiff has presented enough clear and convincing evidence that the U.S. Attorney Office has acted in bad faith by lying or giving false information on more than one occasion all in regards to the FOIA request, Appeal, in any way in connection with Plaintiff's criminal case and the FOIA pertaining to those records, and this FOIA litigation in court, that the discovery matter can be ruled in Plaintiff's favor because there is a showing that the government has acted in bad faith.

When the Defendants' filed Document #28 and #29, were both filed, it was not directed at the Magistrate Judge Robert S. Ballou, even though in respect to the Pretrial Order from the Hon. Judge Kiser, it said that "*All pretrial discovery motions and issues are referred to Magistrate Judge Robert S. Ballou.*" So it appears that the U.S. Attorney wants Judge Kiser to simply make a ruling on this Motion which conflicts with Document #27, to which Plaintiff had requested in writing that there be a pretrial status

conference in accordance with the Hon. Judge Kiser's Pretrial Order. The Defendants' Attorney appears to want to persuade Judge Kiser to simply rule on the Motion before Mag. Judge Ballou is to schedule a hearing date for the pretrial status conference for all discovery issues that the Plaintiff wishes to bring up. The Defendants' want to quash and end Plaintiff's entire discovery quest before even being allowed to file a copy of his interrogatories and discovery request letter with the Court in compliance with Rule 5(d). The Government wants to also cover-up the interrogatories and discovery request letter, making sure that it will never be admissible for filing on the docket. If the status conference will still be allowed, despite the Government's quash Motion, then the Plaintiff can continue with his plan to present a copy of the interrogatories, the discovery request letter, the voicemail phone recordings, and other relevant evidence at the status conference. The Plaintiff does not believe the Court needs to further oppress the Constitutional due process and other rights of the Plaintiff.

**The plaintiff hereby made the objections to the Government's MOTION, and request that the Honorable U.S. Magistrate Judge Robert S. Ballou be referred to the Government's Document #28 and #29 MOTION and MEMORANDUM, and requests that the Honorable Judge Ballou still consider Plaintiff's earlier Document #27 request (MOTION) for a pretrial status conference to be scheduled on a date that the Judge can determine to schedule such hearing, since the Government made its motion after the initial filing of Plaintiff's written request to Judge Ballou that signifies as a "request" for a pretrial hearing aka a status conference. The Plaintiff does exhibit good cause as to why the Court should have a pretrial status conference at the request of the Plaintiff. Therefore, the Plaintiff asks this Court to still consider granting his Document #27 MOTION, and consider the Government's**

**MOTION under Doc. #28 and #29 Brief at the pretrial status conference that was requested by the Plaintiff before the Government even filed their MOTION a day later. Thanks!**

Plaintiff also requests with the Court that copies of this Motion and Brief be served upon the Government as stated in 28 U.S.C. §1915(d), that "The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases. Plaintiff requests that copies be served with the defendants' and the U.S. Attorney office of Roanoke, VA and AUSA Cheryl T. Sloan via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail. Thank You!

**This PLAINTIFF'S OBJECTION and Brief is respectfully filed with the Court, this the 14th day of July, 2017**

**Date of signing:**

July 14, 2017

**Respectfully submitted,**

Brian D. Hill  
*Signed* Signed

**Brian D. Hill (Pro Se)  
310 Forest Street, Apartment 2  
Martinsville, VA 24112  
Phone #: (276) 790-3505**

**U.S.W.G.O.**

**Declaration of Plaintiff Brian David Hill in support of MOTION  
REQUESTING PRETRIAL STATUS CONFERENCE FOR  
DISCOVERY MATTER**

**I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:**

- 1. I am Brian David Hill, also known as Brian D. Hill, and am the plaintiff in the Federal civil case Brian David Hill**

**v. Executive Office for United States Attorneys et al., Civil Case No. 4:17-cv-00027. I file this Declaration type of Affidavit with the Court with original signature as a sign of good faith and demonstrating factual evidence showing good cause for such action.**

- 2. I have been denied all of my Constitutional rights in my criminal case prior to my situation where I was given the choice of taking the guilty plea agreement or face twenty years in federal prison. The U.S. Attorney and their staff don't seem to care that I wasn't given any of my Constitutional rights when the Court said that I was presumed innocent until proven guilty beyond reasonable doubt. I felt my rights (innocent until proven guilty) that the Federal Court said to me that I had before my criminal Jury trial was all fake, a fraud, a façade, a lie, a swindle, because I was given no rights, thanks to the U.S. Attorney Office for the Middle District of North Carolina. The rights which I believe I was deprived prior to my guilty plea and final conviction includes my right to cross examine the Government's witnesses and the right to question them in open court, my right to compulsory process clause giving me the right to file subpoenas and compel witnesses to testify in Court and/or produce evidence and records and tangible things in my defense under the adversarial system, my right to effective assistance of trial Counsel, my rights under the American with Disabilities Act ("ADA") that the Town of Mayodan**

deprived me of, my right to prove my innocence to a Jury, and my right to discovery under due process. My own Assistant Federal Public Defender named Eric David Placke betrayed me, only wanted to work with the U.S. Attorney Office, wanted me to take the guilty plea, deleted email attachments that my family emailed to him as evidence, refused to bring forth any witnesses, and weren't going to hire a independent computer forensic expert under CJA 21 voucher to help pay for the examination of my Black Toshiba Laptop Computer, Satellite C655D, at the SBI office in Greensboro. Placke didn't even fight to get the Court to pay for a psychologist or psychiatrist that has an expertise in Autism Spectrum Disorder and Obsessive Compulsive Disorder, and explain how those disorders can cause me to give false confessions and misleading statements to law enforcement. Placke didn't even hire an Audio expert to analyze the confession Audio from the Confession "Audio CD" originally from Mayodan Police Department that likely gave a copy burned to a CD-ROM disc to the U.S. Attorney Office of Greensboro, North Carolina. Placke didn't even check my suspicions that the audio may have been altered or botched. None of my rights and warranted suspicions were ever looked into. Placke lied to me, lied to Federal Judges, and he deceived me and my family into thinking that he worked for me. I didn't commit perjury when I falsely plead guilty under Oath on June 10, 2014. What would construe that as

**perjury is if I actually did had a fighting chance at the Jury trial, at a fair and Constitutional Jury trial instead of some kangaroo court tribunal which I thought it was. Now if I did have a fighting chance and were to be able to present the evidence to help prove my innocence, and I just decided to take the guilty plea when knowing I would be found innocent, then I would have intended to perjure myself before the Court, thus would make me guilty of that, BUT NO. I did not commit perjury because I would have lost the Jury trial, so in other words I would have been guilty anyways under extreme forms of ineffective Counsel colluding with the U.S. Attorney Office to sell me down the river like a slave on the plantation, to railroad me into a wrongful conviction either by plea agreement or lose the Jury Trial. There was going to be no innocent until proven guilty, I would have no right to prove my innocence. I was even going to be under extreme Adam Walsh Act specific restrictions if I had been released on Bail/Bond where I couldn't use a telephone to call my Pretrial Services Officer, I wouldn't be able to make Doctors' appointments nor even be allowed to phone call my own lawyer because my whole family would not be allowed access to a telephone either according to the Pretrial Services Officer's desires for the Government. I would not be allowed to even use a computer, not even to write motions like this nor be allowed to gather any evidence whatsoever. I was already being treated like some**

kind of a serial child rapist or some kind of danger to society before the Jury Trial. I wasn't given any Constitutional rights. It was either take the plea agreement and be on Probation aka Supervised Release, or I face 20 years in federal prison likely in Maximum Security because I was involved in politics. The reason I filed this FOIA lawsuit was to recover my Constitutional rights that I had been deprived of, my lost fourteenth Amendment rights that the U.S. Attorney Office in Greensboro doesn't seem to care about when it is about one of their criminal case Defendants' trying to prove their innocence.

3. Attached hereto as Exhibit 1, is a true and correct copy of a printed version of "3-17.000 - Freedom Of Information Act (FOIA) And Privacy Act" of the U.S. Attorney Manual, from the Offices of The United States Attorneys webpage from the U.S. Department of Justice. This was printed for me in PDF format from family and so I can use this as evidence against the U.S. Attorneys. This was located in the "Title 3: EOUSA" section. This proves that the U.S. Attorneys are hypocritical when telling people publicly on their webpage printout under "3-17.140 - *Relation to Civil and Criminal Discovery*" that "*Access to records under the FOIA is entirely independent of discovery under the Federal Rules of Civil and Criminal Procedure; an individual is free to use both means of gathering information.*" They are hypocrites when that paragraph mentions that, then they deny access to anything that can



overturn a federal criminal conviction that they cause when it's a wrongful conviction. This print-out is 5-Pages.

4. Attached hereto as Exhibit 2, is a true and correct DVD video disc produced by Plaintiff using CyberLink PowerDirector to explain in connection with Exhibit 3, shows proof that the 'Anonymous' hacktivist group did post a video online on YouTube somewhere, while myself the Plaintiff was sitting in Jail, that they supported "Brian D. Hill" of "USWGO Alternative News" wanting to prove his innocence and was being denied of rights. My family had saved this YouTube video for me and I remembered my grandma telling me that she saved the video and was in something called the "G" folder, assuming that the G folder stands for Government, referring to my battle against the Government to prove my actual innocence. So I did added some remarks before the video starts that I believe are true to the best of my knowledge and belief, that the U.S. Attorney Office of Greensboro, NC wishes to cover up the evidence that would help to prove my actual innocence. The "Evidential Statement" was added to Exhibit 2 Video DVD because of how it connects somehow with Exhibit 3, where somebody claiming to work for Anonymous hacktivists have somehow leaked SBI document photos of what the Plaintiff believes the U.S. Attorney Office in Greensboro, North Carolina wants to cover up.

- 5. I personally believe that the U.S. Attorney Office doesn't want to get in any kind of legal trouble and doesn't want to face a lawsuit for convicting myself an innocent man so I believe they are trying to block me in every way possible so that I won't be able to succeed in filing a Section 2255 Motion on the ground of actual innocence, and I think the U.S. Attorney will make sure that I lose the 2255 if I ever attempt to file that Motion and they will use every dirty trick up their sleeve as their goal is to win their cases and not prove my innocence.**
- 6. Attached hereto as Exhibit 3, is a true and correct copy of three photographs, and 9-pages of a printed evidence that archive.org, hosted "Leaked SBI Docs prove USWGO framed with child porn : Anonymous". It is connected with Exhibit 2, as I explain in my produced DVD Video disc that I believe that the U.S. Attorney Office of Greensboro seems to be working to cover up any evidence that is to prove my innocence. That they don't want me to prove my innocence. So somebody claiming to be working for Anonymous, which sounds similar to somebody claiming to work for Anonymous hacktivist group uploading a YouTube video while I was in Jail. The three photographs are of leaked photos of what appears to be the SBI Case File for Brian David Hill. One photograph shows the certificate of service, and the other two photos show the download dates of July 20, 2012, to July 28, 2013.**

7. Attached hereto as Exhibit 4, is a true and correct copy of a photograph of myself (Brian D. Hill), Alexander Emerick Jones ("Alex Jones") of Infowars.com, and Stewart Rhodes of Oath Keepers organization. This photograph was taken in June of 2012, when USWGO Alternative News was still in operation. The photo was taken at the Hyatt Place hotel, located in Chantilly, VA, during the Occupy Bilderberg protest that was going on at the Westfields Marriot Hotel if that is the right name from what I remember. Yes I will mention that name again, The Bilderberg Group, a group of multi-national people that may be violating The Logan Act, that all meet behind closed doors and won't let the general public learn of what had been transpired at those secret meetings. James P. Tucker also known as Jim Tucker had attempted to cover, as media/press, the Bilderberg Group meetings. Also Eric Clark of Kansas I learned at a later time was also at the Occupy Bilderberg protest in 2012, whom thought me to file more proper pro se motions, and without Eric Clark I never would have been able to get as far in my criminal case and civil case as I am here now fighting for my life, fighting so that I will not think of committing suicide, so that I can fight to prove my innocence, so that I can have peace of mind when I do finally overturn my criminal conviction and get off of the nasty sex offender registry. He even helped me get my criminal case Appeal which revealed more things to me.

- 8. Attached hereto as Exhibit 5, is a true and correct copy of a photograph of myself (Brian D. Hill), and former U.S. Congressman Virgil H. Goode which I remember that photo was taken around May 26, 2012. I remember that Virgil Goode was a nice man, and that was around the time he had tried to personally collect voter's signatures to gather enough signatures of registered voters to attempt to get on the Virginia ballot to run for the Office of United States President.**
- 9. Attached hereto as Exhibit 6, is a true and correct copy of a photograph of myself (Brian D. Hill), and a WXII12 news reporter and camera guy. They had interviewed me and I told them about how I was a victim of the 2011 lawsuit titled Righthaven, LLC v. Brian D. Hill, in the U.S. District Court, for the District of Colorado. I had led the way to informing the members of the media and persuading them to cover my case so that I could get a good lawyer out of the PR debacle against Righthaven, LLC. During my criminal case I did threaten to get the media involved when I had attempted to write from Guilford County Jail to the U.S. Attorney Office of Greensboro, but the media seem to be hesitant to cover my criminal case because of the subject-matter and stigmatization of my criminal charge. Because media didn't get involved, the Federal Judge worked against me in Greensboro, my own court appointed lawyers worked against me and all made sure that I be a good little boy and**

**falsely tell people I'm guilty of a crime that I am innocent of, that I do what I'm told and give up on proving my innocence. If I can defeat Righthaven, LLC in Colorado, then I can defeat the U.S. Attorney Office of Greensboro for their corrupt and malicious and vicious behavior against me and my family and Attorney Susan Basko. I know the U.S. Attorney wanted to threaten Susan Basko and scare her away from trying to help me prove my innocence. I won't tolerate the criminal (if they can even be held accountable, I wonder...) or corruptible behavior of a United States Attorney staff that seems to be hell bent on forcing every single criminal defendant to take the guilty plea or have each defendant lose the Jury Trial.**

- 10. Attached hereto as Exhibit 7, is a true and correct copy of a photograph of myself (Brian D. Hill), and James P. Tucker a news reporter of the American Free Press. I added the text to it and "Former USWGO Information War General" because I feel that I was fighting an information war, an intelligence war, against a group of corrupt, psychopathic criminals whether politician or just some government staff person that want to run a fascist police state inside of the United States Government and state and local Governments, to which they want to end the United States Constitution. I feel it is wrong and those people need to go to prison for what they have done, what they are trying to do, whomever they may be or what position of power they are in.**

**11. Attached hereto as Exhibit 8, is a true and correct burned Audio CD disc named the “Brian David Hill's testimony under Oath on July 14, 2017” containing oral testimony of myself (Brian D. Hill) under Oath in response to the Government's Motion under Document #28, and the Audio CD also has a DATA track. The AUDIO testimony is 48 minutes and 43 seconds (00:48:43). The Audio CD playable track originally used the .wav encoded recording of the testimony when burned using Nero 12 software. Low Quality and High Quality MP3 files were also included in the DATA side of the Audio disc for the Clerk to file on Docket at will. When I had said “Brian was not cooperating with the Clerk's Office” I should have used the term that Kristy Burton said that I had did not “comply” or had not “complied” with the Clerk's Office, however cooperating and comply are within the same effect of the meaning that I was stating in my testimony and should be treated as the same effect. Anyways my testimony is as to why the Government's Motion should be denied. The DATA track of the Audio CD “Brian David Hill's testimony under Oath on July 14, 2017” has the following files:**

- a. Brian's testimony under Oath for the Court July 14, 2017(64k).mp3 (22.3 MB)**
- b. Brian's testimony under Oath for the Court July 14, 2017(320kbps).mp3 (111 MB)**
- c. Folder: Leaked SBI Case photos**

- i. **Leaked SBI Docs prove USWGO framed with child porn \_ Anonymous \_ Internet Archive - Copy(Plaintif.pdf (Rest of file was truncated however the original file name was "Leaked SBI Docs prove USWGO framed with child porn \_ Anonymous \_ Internet Archive - Copy(Plaintiff's family acquired).pdf")**
- ii. **doc.leak.sbi.hill.1.jpg**
- iii. **doc.leak.sbi.hill.2.jpg**
- iv. **doc.leak.sbi.hill.3.jpg**

**12. I, Brian David Hill and my family viewed the discovery report in January, 2015. We read the dates for the photos and they do not prove that I, Brian D. Hill, downloaded the photos. The quote said, "From the analysis, this record showed that 454 files had been downloaded with the eMule program between July 20, 2012 and July 28, 2013." The police raid search was on August 28, 2012 when Brian's computers were taken into the custody of Mayodan Police Department and later sent to the NC State Bureau of Investigation. The dates show that the photos were downloaded on dates that Brian no longer had his computer. Specifically, the dates from August 29, 2012 through July 28, 2013, I have proof that I, Brian David Hill, did not have custody of my computers. This is approximately 11 months of the dates in which I, Brian Hill, did not have possession of my computers. I did not receive all of the discovery report in my FOIA request, and**

**therefore I did not get the evidence of those dates of the files. The proof of the dates is in the full discovery report and I, Brian Hill, need proof of those dates for my 2255 motion.**

**13. In the interview I, Brian D. Hill, made a statement that I put child pornography on my netbook, and as a result of that statement two police officers went to my home to confiscate my netbook on August 29, 2012. The discovery report shows proof that there was no child pornography on my netbook. My statement from the police report of the interview is below.**

**a. Q: Is there any other child pornography on any other computers?**

**b. A: Yes. I have a netbook at home that you didn't get.**

**From what my mother had told me, while I was in Jail after the appointment of Attorney John Scott Coalter ("Mr. Coalter") and she retold me what had happened even after I was released from Jail, my mom asked my attorney Mr. Coalter, if the SBI had found proof of the child pornography on Brian's netbook. He looked up the number of the netbook and said the discovery showed that there was no child pornography found on Brian's netbook. I did not receive that evidence in the discovery report that I received from my FOIA request. I, Brian D. Hill, need the entire discovery report to show evidence that I made a false confession, so that I can use that evidence for my 2255 motion.**



**14. I, Brian D. Hill, need the full audio recording of the interview that happened on August 29, 2012 at Mayodan Police department. The discovery report that I received for the FOIA request did not contain the audio CD of my confession. The Mayodan police report shows that I, Brian Hill, was questioned from 11:23 AM to 12:21 PM on August 29, 2012. That doesn't make sense to me as I remember when attorney Eric David Placke played the audio recording with me that it was over an hour, yet the police report doesn't show over an hour. The audio may have been altered or things may have been changed in my opinion. I, Brian hill, have brittle type 1 insulin dependent diabetes. The questioning was done during my normal lunch time and I and my family need to listen to the audio CD to see if there were any noticeable changes in my mood, personality and the way that I was talking. My suspicion that the audio was altered or wasn't done in its entirety is deceptive in nature and doesn't need to be admissible under the Federal Rules of Evidence in my criminal case. The police did not check my blood sugar prior to the questioning and at no time during the interview was I given a break to check my blood sugar. When my blood sugar goes low I can appear drunk and at that time I cannot think properly and will repeat the same things that someone is telling me, I can also black out and collapse, go into a diabetic seizure in the worst cases. I, Brian Hill, need the audio CD to either prove or disprove**

that I had a diabetic insulin reaction (low blood sugar) which would have disabled my ability to answer the questions properly. If my blood sugar was low, then I can use this proof of the audio CD in my 2255 motion. If the Audio confession was altered, botched up, and was created to deceptively portray me a certain way then that audio needs to be analyzed to prove that.

- i. From what I have read regarding the North Carolina state Law stating that the audio recording evidence has to contain the full audio recording aka has to be recorded in its entirety and unaltered and accurate. Audio recordings that have been altered, botched up, and misrepresent the accurate details of what actually happened may be suppressible in criminal court under a Motion to Suppress. *North Carolina General Statute Article 8. § 15A-211. Electronic Recording of Interrogations., section (c)(1) states that "Electronic recording. – An audio recording that is an authentic, accurate, unaltered record; or a visual recording that is an authentic, accurate, unaltered record. A visual and audio recording shall be simultaneously produced whenever reasonably feasible, provided that a defendant may not raise this as grounds for suppression of evidence."*
- ii. From what I have read regarding the North Carolina state Law stating that the audio

recording evidence has to contain the full audio recording aka has to be recorded in its entirety and unaltered and accurate. Audio recordings that have been altered, botched up, and misrepresent the accurate details of what actually happened may be suppressible in criminal court under a Motion to Suppress. *North Carolina General Statute Article 8. § 15A-211. Electronic Recording of Interrogations., section (e) states that “Admissibility of Electronic Recordings. – During the prosecution of any offense to which this Article applies, an oral, written, nonverbal, or sign language statement of a defendant made in the course of a custodial interrogation may be presented as evidence against the defendant if an electronic recording was made of the custodial interrogation in its entirety and the statement is otherwise admissible. If the court finds that the defendant was subjected to a custodial interrogation that was not electronically recorded in its entirety, any statements made by the defendant after that non-electronically recorded custodial interrogation, even if made during an interrogation that is otherwise in compliance with this section, may be questioned with regard to the voluntariness and reliability of the statement. The State may establish through clear and convincing evidence that the statement was both voluntary and reliable and*

*that law enforcement officers had good cause for failing to electronically record the interrogation in its entirety.*” Even if the interview/interrogation was non-custodial and considered voluntary, it doesn’t change the fact that altering the audio and botching it up, misrepresents the entire interview/interrogation and the confession recording is no longer in its entirety, no longer is credible, and is altered for the benefit of the interrogator/interviewer, and to hide pertinent facts of any potential misconduct such as threats and coercion. I believe I need to analyze the confession Audio CD to determine the facts and the truth of the matter.

15. I, Brian D. Hill, need the audio CD, which was not received in the discovery report for the FOIA request, because I need for an autism expert (psychiatrist/psychologist, law enforcement trainer, language expert, etc. etc.) to listen to the questioning by the Mayodan Police Department to prove that the police detectives were not trained in how to properly question someone with an autism spectrum disorder. In Dennis Debbaudt’s paper “Interview and Interrogation of people with Autism (Including Asperger syndrome)” (Citing Document #12-4), he outlines the problems that can lead to false confessions and misleading statements for someone who has an autism spectrum disorder. I need an autism expert to listen to the interview to see if the questioning could be easily

misunderstood for someone with autism, so that I can use that as a possible defense in a 2255 motion for the reason of my false confession.

16. **Excerpting from the “US v. Hill - Hearing - September 30, 2014” Case No. 1:13CR435-1, September 30, 2014 11:11 a.m. TRANSCRIPT OF HEARING, stated that “MR. PLACKE: Your Honor, I received in terms of discovery in this case from the Government two CDs, one of which contained the audio recording of the interview of Mr. Hill, the other of which contained law enforcement reports in PDF format. I've printed those out. The reports are a Mayodan Police Department report dated August 22, 2012, and a North Carolina State Bureau of Investigation case file dated October 23, 2013. And perhaps in light of everything else, I should just return those to the Government at this point.”** Mr. Anand Prakash Ramaswamy was present at that hearing for the United States Attorney Office for the Middle District of North Carolina.

17. **I have had it with the corrupt and evil U.S. Attorney Office of Greensboro, North Carolina. From what I understand they are not following the recommendations of John Walsh, to only go after the real and proven guilty child rapists, child molesters, rapists, and pedophiles. They are targeting people whether they are innocent or guilty. All they care about is convicting people. They don't care about innocent men and women. They don't care. Anand Prakash Ramaswamy, Cheryl T. Sloan, none of them care**

about innocent people that any of them criminally convict. They are as heartless as demons. They make people suffer and they themselves never suffer the consequences for the very people that they bring harm to whether each person actually deserved it or not. If I had any kind of political power, I would call for resignations of all U.S. Attorney Office employees in Greensboro, NC, and recommend that it be staffed by new employees that have actual morals and feel the need to only convict the real guilty criminals and dismiss or acquit the cases for the innocent people that were charged.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

July 14, 2017

Brian D. Hill  
*Signed*

Signed

Brian David Hill(Pro Se)  
Former news reporter & Founder of USWGO Alternative News  
Home Phone #: (276) 790-3505  
310 Forest Street, Apt. 2. Martinsville, VA 24112

**USWGO.**

## CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2017, I filed the foregoing

**PLAINTIFF'S OBJECTIONS TO DEFENDANTS' "UNITED STATES' MOTION TO QUASH DISCOVERY REQUESTS, OR IN THE ALTERNATIVE, TO STAY DISCOVERY" RE: DOC. # 28 -- OBJECTIONS AND BRIEF IN SUPPORT OF THIS OBJECTION**

**+ Exhibits 1-8: Including the DVD Video disc, and Audio CD disc, a copy exclusively for the Clerk, a copy for Judge Kiser, a copy for Judge Ballou, a copy for the Defendants' Attorney (mailed separately to the Defendants' Attorney)**

was filed with the Clerk of the Court by mail via United States Postal Service, Postage prepaid.  
Certified mailing Tracking # 7016-0600-0000-8319-8438

A copy of this filing and all attachments was also mailed to the following defendants' Attorney:

Certified Mail tracking #:

7016-0600-0000-8319-8445 – Return Receipt Tracking #: 9590-9402-2693-6351-7510-48

Cheryl Thornton Sloan

U.S. Attorney Office

Civil Case # 4:17-cv-00027

101 South Edgeworth Street, 4th Floor

Greensboro, NC 27401

Plaintiff requests with the Court that copies of this filing be served upon the defendants' as stated in 28 U.S.C. §1915(d), that "The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases. Plaintiff requests that copies be served with the defendants' via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail. Thank You!

  
Signed Signed

**Brian David Hill (Pro Se)**

**Former news reporter & Founder of USWGO Alternative News**

**Home Phone #: (276) 790-3505**

**310 Forest Street, Apt. 2. Martinsville, VA 24112**

**USWGO.**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature <b>X</b></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><b>4-17CV27</b> <b>Cheryl T. Span</b> <b>U.S. Attorney Office</b> <b>101 S. Edgeworth St. 4th</b> <b>Greensboro, NC 27401</b></p>		<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>9590 9402 2693 6351 7510 48</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

7016 0600 0000 8319 8445



7016 0600 0000 8319 8445

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee  
\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage  
\$

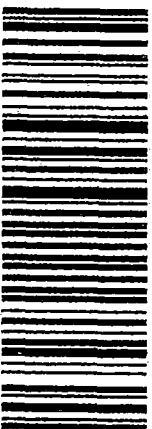
Total Postage and Fees  
\$

Postmark Here

Sent To  
**Cheryl T. Span U.S. Attorney Office**  
**101 S. Edgeworth St. 4th floor**  
**Greensboro, NC 27401**

PS Form 3800, April 2015 PSN 7530-02-000-9057 See Reverse for Instructions

7016 0600 0000 8319 8438



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Certified Mail Fee  
\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage  
\$

Total Postage and Fees  
\$

Postmark Here

Sent To  
**Clerk of the Court U.S. District Court**  
**210 Franklin Rd. S.W. Ste. 510**  
**Roanoke, VA 24011**

PS Form 3800, April 2015 PSN 7530-02-000-9057 See Reverse for Instructions